



**At St. Hild's we aim to serve our community by providing high quality education in a Christian context. We are a comprehensive school guaranteeing equal opportunities, a responsive curriculum and a supportive community. We expect to find God at work in our school.**

*The School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.*

# **Equality in Employment Policy & Procedure**

St Hild's Church of England School adopts the Equality in Employment Policy and Procedure as provided by Hartlepool Borough Council Human Resources Department (StHPol 16-3 Nov 15)

## 1. Introduction

This Equality in Employment Policy applies to all employees and potential employees of the School together with anyone else working on the premises including, agency workers, contractors, consultants and suppliers.

The policies and practices of the School aim to promote an environment that is free from all forms of unlawful discrimination (see Appendix 1 for a definition of some of the terms used in this policy) and values the diversity of all people. At the heart of our policy, we seek to treat people equally, fairly and with dignity and respect.

## 2. Policy Statement

The School will take every reasonable and practical step to ensure that no person working for the School, all job applicants, former employees or any member of the public using the premises or services will receive less favorable treatment (direct discrimination) or will be disadvantaged by requirements or conditions that cannot be shown to be justifiable (indirect discrimination) because of, or are perceived to be or are associated to any of the following protected characteristics (see Appendix 2):

- Age
- Disability
- Gender reassignment
- Pregnancy and Maternity
- Marriage and Civil Partnership
- Race (including colour, nationality, ethnic or national origin)
- Religion/belief or non belief
- Sex
- Sexual orientation

or because of trade union membership/activities or non membership [see Trade Union and Labour Relations (Consolidation) Act 1992], part time working [see Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000] or fixed term working [see Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002].

We recognise that the provision of equal opportunities in the workplace is not only good management practice; it also makes sound business sense. Affording staff full dignity at work promotes good employee relations and satisfaction, and results in a motivated, productive and creative workforce, that leads to service improvements.

Our Equality in Employment Policy will help all those who work for the School to develop their full potential so that the talents and resources of the workforce are utilised fully to create a borough of opportunity for all.

We will take proactive steps to ensure that the policy is known to all employees, potential employees and organisations that we work with. We will also ensure that equal opportunity is embedded in all our policies, procedures, day to day practices and external relationships.

### 3. Implementing Equal Opportunities

#### 3.1 Recruitment, Selection and Promotion

*Aim: Encourage the highest quality candidates from all backgrounds to apply and ensure equal and fair treatment throughout the recruitment process.*

The School will strive to ensure that:

- Through recruitment and promotion, our workforce better represents the community we serve.
- All posts including secondment and promotion opportunities are advertised widely in accordance with the policy to provide an equal opportunity for all people interested to apply unless a restructuring or reorganisation situation exists where advertising may be restricted (see Procedure for Managing Staffing Levels)
- All advertisements reflect the job description and person specification and do not use words or phrases which indicate bias (unless there is an occupational requirement to do so).
- The School is committed to equal opportunities” is included on the School’s recruitment portal together with an Equal Opportunities Policy Statement (Appendix 3) summarising the School’s commitment to implementing equal opportunities and in particular its arrangements in relation to recruitment and selection
- All applicants complete an equal opportunities monitoring form which will not be made available to the selection panel and will be used to ensure the policy is being implemented.
- All job applicants who report a disability and who meet the minimum requirements of the person specification will be guaranteed an interview. All such candidates will then be considered on their merit and abilities.
- We will ask candidates when invited for interview whether reasonable adjustments are required for the interview.
- All employees are recruited and promoted on the basis of ability, objective and measurable job related criteria that is consistently applied to all candidates.
- All employees involved in shortlisting and interviewing shall have due regard to shortlisting and interview guidance, including ensuring that at least one member of the interview panel has completed Safer Recruitment training.
- Selection criteria and reasons for the selection or rejection of individual candidates are recorded.
- We always ask questions relating to reasonable adjustments that would be needed for an assessment such as an interview or other process designed to assess a person’s suitability for a job.
- We only ask questions about reasonable adjustments needed for the job itself after the offer of a job has been made (unless these questions relate to a function that is intrinsic to the job)
- We ask questions about an employees health or disability where they relate to a person’s ability to carry out a function that is intrinsic to the job prior to an offer of a job being made.

### **3.2. Learning and Development**

*Aim: All employees are encouraged to reach their full potential through appropriate fair access to learning, development and career progression opportunities.*

The School will strive to ensure:

- New employees are made aware of the School's Equal Opportunities Policy during the induction process.
- Relevant equal opportunities elements are included in learning opportunities, where appropriate, and form an integral part of recruitment and selection training.
- Equality awareness learning is available as part of the School's corporate learning and development programme to all staff.
- All employees are encouraged to invest in their development and consider opportunities to develop their competencies and skills, taking into account a broad range of learning and development options in the council.
- Learning opportunities for employees are appropriate and accessible, in line with organisation and job related needs.
- Learning and development opportunities for relevant employees are advertised widely.
- Learning and development programmes, where possible, are planned with the needs of part time employees considered as well as those of full time employees.
- Learning and development programmes are designed to support this policy and take into account the different preferred learning styles of different groups of employees.

### **3.3. Terms and Conditions**

*Aim: All policies covering pay, benefits, grades and terms and conditions are formulated and implemented with regard to equal opportunity.*

The School will strive to ensure:

- Terms and conditions, including pay arrangements, are non-discriminatory and are applied fairly and consistently to all staff.
- The use of flexible working arrangements are promoted wherever possible, to try to balance individual staff circumstances with organisation or operational requirements.
- Access to work requirements (reasonable adjustments) for those with a disability are considered in a fair and open manner.
- The appropriate use and application of the School's arrangements for 'Special Leave' are promoted to assist staff who may require time off work for personal or domestic reasons; to ensure the school meets its statutory obligations.

### **3.4. Discipline and Grievance**

*Aim: A working environment that is inclusive and where no form of discrimination is tolerated.*

The School will strive to ensure:

- Discrimination, bullying, harassment or victimisation of employees or workers will be addressed under the Bullying and Harrassment Policy and Procedure. This will also apply to employees who attempt to induce other employees to discriminate, harass or victimise.
- All employees have the right to raise any complaint not covered by the Bullying and Harrassment Policy and Procedure through the School's grievance procedure. This will not affect their right to take a case subsequently to an Employment Tribunal or affect future career prospects.
- Complaints of discrimination, bullying, victimisation or harassment are dealt with in a fair and transparent manner.
- Prompt action is taken to investigate any employee grievance concerning discrimination, bullying, harassment or victimisation.
- Support is provided to any employee who is the victim of discrimination, bullying, harassment or victimisation in the course of their employment.
- Disciplinary rules and standards are applied consistently to all employees within the school's employment.

### **3.5. Performance**

*Aim: Performance issues are addressed in a fair and open manner.*

The School will strive to ensure that:

- Poor attendance will be addressed in a fair and consistent manner, and will take account of any disabilities declared by employees.
- Appropriate support will be provided to employees to ensure they can demonstrate their capabilities and effectively fulfill their job role.

### **3.6. Changes to the structure of the workforce**

*Aim: Employees affected by changes to the composition of the workforce are treated fairly and consistently.*

The School will strive to ensure that:

- Employees potentially affected are consulted, together with Trade Union Representatives on all proposals to change the composition of the workforce in line with the Managing Staffing Levels Policy & Procedure.
- Employees who are affected by changes to the structure of the workforce are treated fairly and with dignity.
- An appropriate balance will be reached to comply with legislative requirements, protect employees and provide equality of opportunity when implementing new staffing structures.

### **3.7. Leaving the School**

*Aim: That employees leaving the school do so with dignity.*

The School will strive to ensure that:

- Fair selection criteria are applied in redundancy situations.
- Employees who leave on health grounds are dealt with sensitively.
- References provided to future employers will be fair.

### **3.8. Monitoring and Evaluation**

*Aim: Regular monitoring and review so that the effectiveness of this policy can be measured and information used to support informed decision making.*

The School will strive to ensure:

- All policies and procedures which impact on employees are regularly analysed for equality to ensure they are free from discrimination.
- Confidential records of employees and applicants are maintained in order to monitor the progress of equality of opportunity within the council, and are made available to designated authorised personnel only.
- Data collected for the purpose of equal opportunities monitoring is examined as a minimum on an annual basis so that information on the effectiveness of this policy can be considered. Reports will be published on council web pages annually in line with legislation.
- Continuous review of our Equality in Employment Policy to comply with changes in legislation.
- Regular Equal Pay Audits are undertaken.

Further information on the equality monitoring reporting categories is available in Appendix 4.

## **4. Roles and Responsibilities**

### **4.1 Governors**

- Will promote, support and uphold this policy in their dealings with employees.

The Governing Body has overall responsibility for the Equality in Employment Policy and will ensure that it is properly implemented, promoted, monitored and reviewed where necessary. In particular, they will be accountable for:

- Delivering the policy through business planning and performance management arrangements.
- Ensuring that everyone in the organisation understands what the policy means for them and provide practical learning and positive support to help managers meet their obligations in turning policy into practice.
- Ensuring the policy is implemented and adequately monitored.
- Ensuring the policy is well publicised and communicated to all staff and organisations that have dealings with the school.
- Review this policy on a regular basis.
- Promote this policy and equality best practice in all employment matters

### **4.2 Senior Leadership Team/ Line Managers**

It is the responsibility of all managers and supervisors to:

- Ensure that strategies, policies and projects within their area of responsibility are designed giving due regard to this policy and the School's equality objectives.
- Be proactive in promoting diversity and equal opportunities and in preventing and eliminating all forms of discrimination by encouraging an atmosphere of tolerance, dignity and respect and addressing inappropriate behaviours at the earliest opportunity.

- Familiarise themselves with the procedures in all equal opportunities documentation.
- Ensure that they are not instructing or putting pressure on employees to act in a discriminatory manner.
- Bring the details of the policy and procedure documents to the attention of all staff.
- Treat complaints of discrimination, bullying, victimisation or harassment sensitively and seriously and in line with School policy.
- Ensure that information on equal opportunities is incorporated in all induction processes for new or temporary staff and is supported by ongoing training.

### **4.3 All Employees**

All employees have a responsibility to ensure that there is no discrimination and accept personal responsibility for the practical application of the Equal Opportunities Policy. In particular every employee is required to:

- Promote equal opportunities and treat everyone with fairness, equity, dignity and respect.
- Recognise and value the diversity of staff and residents, taking into account diverse needs when providing services.
- Co-operate with any measures introduced to ensure equality of opportunity.
- Ensure their behaviour and/or actions do not amount to discrimination or harassment in any way.
- Report any discriminatory, bullying or harassment acts or practices.
- Not induce or attempt to induce others to practice unlawful discrimination or harassment.
- Not victimise anyone as a result of them having reported or provided evidence of discrimination or harassment.

## **5. Breaches**

The School is opposed to all forms of discrimination, bullying, harassment or victimisation and will treat any breaches of this seriously. Breaches of the Equal Opportunities Policy may be investigated in accordance with the Bullying and Harrassment Procedure/Grievance Procedure and may be regarded as gross misconduct under the School's Disciplinary Policy.

Employees who believe that they have suffered any form of discrimination, bullying, harassment or victimisation are entitled to raise the matter through the Bullying and Harrassment procedure/ Grievance Procedure.

Significant breaches of the Equality in Employment Policy can also be raised through the Confidential Reporting for staff in School's Policy & Procedure..

All complaints of discrimination, bullying, harassment or victimisation will be dealt with seriously, promptly and confidentially and the School will aim to ensure that no employee is subsequently victimised as a result of exercising their right to raise a complaint or for supporting someone who has raised a complaint under the Equal Opportunities Policy.

## **6. Review**

This policy will be reviewed in line with future changes in legislation.

## **7. Appendices**

Appendix 1 – Definitions of Terms

Appendix 2 – Protected Characteristics (as defined in the Equality Act 2010)

Appendix 3 – Equal Opportunities Policy Statement

Appendix 4 –Reporting Categories

## Appendix 1 to the Equal Opportunities Policy

### **Definition of Terms**

#### **Because of**

'Because of' has the same meaning as the phrase 'on the grounds of'. It means that the protected characteristic is an effective cause of the less favourable treatment – but it need not be the only or even the main cause.

#### **Discrimination**

Discrimination includes direct discrimination, indirect discrimination, victimisation and harassment. Discrimination because of a person's perceived characteristic (other than marital or civil partnership status) or association with a person with another person who has a protected characteristic is also protected.

#### **Direct Discrimination**

Direct discrimination occurs when a person treats or would treat another less favourably than others and the treatment is because of a protected characteristic.

#### **Example**

Rejecting an application from a woman applying for a traditional male job, where the assumption is the woman would not fit into the exclusively male team because she is not a man.

#### **Indirect Discrimination**

This is where a provision, criterion or practice is applied to all individuals or groups equally, but which is such that it;

- Puts or would put a person of a certain protected characteristic at a particular disadvantage when compared with people who do not have that characteristic;
- Puts or would put people who share a protected characteristic at a particular disadvantage when compared with people who do not have that characteristic and
- Cannot be shown to be a proportionate means of achieving legitimate aim.

#### **Example**

During a review of its recruitment procedures a consultancy firm discovers that men score less well in their psychometric test than women. The test could be indirectly discriminatory regardless of the reason why they scored less well.

#### **Discrimination by Perception**

This occurs when A treats B less favourably because A thinks that B has a protected characteristic even though in fact they do not.

#### **Example**

An employer treats an employee less favourably because it **perceives** that the employee is disabled; for example the employer wrongly thinks that the employee is suffering from depression and dismisses them as a result.

### **Discrimination by Association**

This occurs when a person (A) treats another person (B) less favourably because of B's association with another person who has a protected characteristic.

#### **Example**

Refusing a request for flexibility in working hours to a parent of a disabled child whereas an employee with a disability would be granted the request.

### **Bullying**

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

### **Harassment**

Unwanted conduct related to a protected characteristic which has the purpose or the effect of violating the dignity of another person or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual

### **Legitimate Aim**

This means the aim should be legal, should not be discriminatory in itself and must be capable of objective justification. The health welfare and safety of individuals may qualify as a legitimate aim.

### **Less Favourable**

A person is treated "less favourably" if he or she is put at a disadvantage compared with others.

### **Occupational Requirement**

An occupational requirement (OR) provides a general exception to what would otherwise be unlawful direct discrimination in relation to work. In certain limited circumstances A is permitted to discriminate against B in relation to work if A can show that being of a specific protected characteristic is an occupational requirement. However, jobs may change over time and this requirement should be reviewed periodically.

An employer will be able to apply an OR if they can show that having regard to the nature or content of the work:

- The requirement of being a particular protected characteristic is an OR.
- The application of the requirement is a proportionate means of achieving a legitimate aim.
- An applicant does not meet the requirements and the employer has reasonable grounds of believing that the applicant does not meet the requirement.

Only in exceptional circumstances will an Occupational Requirement apply to a post with the school, and this should always be checked with Workforce Services.

### **Proportionate**

Treatment is proportionate if it is an appropriate and necessary means of achieving a legitimate aim.

## **Victimisation**

Victimisation arises when a person (A) subjects another (B) to a detriment because B has done a protected act or because A believed that B has done or may do a protected act in the future. An individual need not have a particular protected characteristic in order to be protected against victimisation under the Act. But victimisation is only unlawful if it is linked to a protected act. Each of the following is a protected act;

- Bringing proceedings under the Equality Act 2010;
- Giving evidence or information in connection with proceedings under the Equality Act 2010;
- Doing any other thing for the purposes of or in connection with the Equality Act 2010; and
- making an allegation (whether or not express) that A or another person has contravened the Equality Act 2010

## Appendix 2 to the Equal Opportunities Policy

### Protected Characteristics (as defined in the Equality Act 2010)

Protected Characteristic	Definition
Age	Age is defined by the Equality Act by reference to a person's age group. An age group can mean people of the same age or people of a range of ages.
Disability	A person has a disability if they have a physical or mental impairment which has a long term and substantial adverse effect on their ability to carry out day to day activities. Long term means that it has lasted or is likely to last for at least a year or for the rest of the affected person's life. Carers of disabled people are also protected from less favourable treatment that they receive because of that disability.
Gender Reassignment	People who are proposing to undergo, are undergoing or have undergone a process to reassign their sex by changing physiological or other attributes of sex. Under the Equality Act, Gender Reassignment is a personal process rather than a medicalised process thus it may be proposed but never gone through; the person may be in the process; or the process may have happened previously. It may include undergoing the medical procedures involved, or may simply include choosing to dress in a different way as part of a person's desire to live in the opposite gender.
Marriage and Civil Partnership	A formal union of a man and woman which is legally recognised in the UK as a marriage. A civil partnership is a registered union under the Civil Partnership Act 2004, including those registered outside the UK.
Pregnancy and Maternity	A woman who is pregnant or is on maternity leave including one who is breastfeeding.
Race	Race includes colour, nationality (including citizenship) and ethnic or national origin.
Religion or belief	Religion means any religion and includes a lack of religion. Belief means any religious or philosophical belief and includes a lack of belief.
Sex	Refers to a man or woman.
Sexual Orientation	A person's sexual orientation towards; <ul style="list-style-type: none"> <li>• persons of the same sex;</li> <li>• persons of the opposite sex and</li> <li>• persons of either sex.</li> </ul>

## **Appendix 3 Equal Opportunities Policy Statement**

### **Our Equal Opportunities Policy Statement**

The School is committed to equal opportunities in employment and service delivery. The policies and practices of the School aim to promote an environment that is free from all forms of unlawful or unfair discrimination and values the diversity of all people. At the heart of our policy, we seek to treat people fairly and with dignity and respect.

We will take every possible step to ensure that no person working with the School, seeking employment with us, or any member of the public using the School's premises or services will receive less favourable treatment (direct discrimination) or will be disadvantaged by requirements or conditions that cannot be shown to be justifiable (indirect discrimination) on the grounds of their:

1. Age
2. Disability
3. Gender reassignment
4. Marital, partnership and family status
5. Race (including colour, nationality, ethnic or national origin)
6. Religion/belief or non belief
7. Sex (Gender)
8. Sexual orientation
9. Socio-economic status
10. Trade Union membership or non membership

We recognise that the provision of equal opportunities in the workplace is not only good management practice; it also makes sound business sense. Affording staff full dignity at work promotes good employee relations and satisfaction, and results in a motivated, productive and creative workforce which leads to service improvements.

We will ensure that equal opportunity is embedded in all our policies, procedures, day to day practices and external relationships.

### **Equal Opportunities in Employment**

The School is committed to having a workforce that is representative of the community it serves at all levels of the organisation. We therefore welcome applications from all backgrounds and all sections of the community.

As an applicant, you can be assured that the council will take positive steps to ensure:

1. Job descriptions and associated conditions relate to the particular job, define the qualifications, experience and other skills required in the post, and only include those factors which are necessary and justifiable on objective criteria for the satisfactory performance of the job.
2. All applicants are treated equally and fairly throughout the recruitment and selection process.
3. All recruitment and selection decisions are made on merit – in line with the job and skills requirements set for the vacancy.

And when you become employed, we aim to ensure:

1. A fair, transparent and equal chance in learning and development and terms and conditions of service.
2. A working environment that is free from discrimination, bullying, harassment and victimisation and where all complaints are promptly investigated and dealt with,
3. A working environment where a person's identity and culture is valued and respected.

### **Positive about Disability**

Our commitment is that we will interview all job applicants who report a disability and meet the minimum requirements of the person specification. All such candidates will then be considered on their merit and abilities. If we know you have a disability we will make any reasonable adjustments required for you to attend the interview, complete required testing and for your subsequent employment.

If you are interested in job opportunities, you can visit our website for all our current vacancies.

### **Employment Monitoring**

We would like to encourage all applicants to complete the Equality Monitoring form with their application so that we can measure how well we are working towards achieving a workforce that reflects our community

If you are concerned about how your data will be stored, accessed or shared, be reassured that it will be kept confidential at all times and in accordance with the Data Protection Act 1998. It will not be accessible to anyone outside of the designated authorised personnel and will be used to monitor the effectiveness of our employment policies so that we can improve where appropriate. This information will be used for statistical purposes only and you will not be identified in any way.

[Why fill in a monitoring form \(pdf\)](#)

## **Workforce Monitoring FAQs**

### **Why do we monitor?**

We are committed to being representative of the community we serve and becoming an employer of choice. To help us achieve this, we need to have a clear picture of who we employ.

Equality monitoring enables us to examine the make-up of the workforce and compare this with local data used as a benchmark to ensure that the workforce reflects the community. It also enables us to analyse how human resources practices and procedures affect different groups, address any inequalities and ensure compliance with legislative requirements.

### **Will my data remain anonymous?**

Yes. The monitoring of information will be kept separately from any identifying personal information. Any findings published will only ever be anonymised and aggregated. So we may publish statistics about our employees as a whole but will never publish individual information.

### **Who will access my data?**

Only you and designated employees will be able to access the data for updating or analysis. We can track who has accessed the data to ensure it is only used for the correct purpose. The monitoring information you supply will be processed in compliance with the Data Protection Act 1998.

### **How will the data be used?**

Data will be analysed to spot trends and remove barriers or target areas where our policies and practices can be improved to boost equal opportunity.

### **Do I have to complete the monitoring form?**

Completing equality monitoring data is not compulsory. However, the School is statutorily obliged to collect this information to ensure that our recruitment and employment processes are equitable and in some instances the school has to provide this information in statutory and other returns. We would encourage you to complete it.

Although you are not obliged to answer every question, by doing so, it helps to ensure that best practice and equal opportunities are upheld and allows for any barriers to workforce diversity to be highlighted. If we get a low response rate then the findings may be inaccurate.

## Appendix 4 to the Equal Opportunities Policy

### Reporting Categories

Our reporting categories are defined as follows:

#### **Age**

- 16-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+
- Prefer not to say
- Not declared

#### **Disability**

Staff members are asked whether they consider themselves to be disabled under the definitions of the Equality Act 2010. The question read as follows:

*Section 6(1) of the Equality Act 2010 states that a person has a disability if:*

- a. That person has a physical or mental impairment, and*
- b. The impairment has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.*

*Using this definition do you consider yourself to be disabled?*

Staff members were asked to select one of the following:

- Yes
- No
- Prefer not to say.

#### **Gender Reassignment**

Staff members are asked whether they defined themselves as transgender.

#### **Race**

Staff members are asked to classify themselves on the basis of the Census 2011 categories of ethnicity:

- |   |   |
|---|---|
| White                                       | <ul style="list-style-type: none"><li>• English / Welsh / Scottish / Northern Irish / British</li><li>• Irish</li><li>• Gypsy or Irish Traveller</li><li>• Any other white background</li></ul> |
| Mixed / multiple ethnic groups              | <ul style="list-style-type: none"><li>• White and Black Caribbean</li><li>• White and Black African</li><li>• White and Asian</li><li>• Any other mixed / multiple ethnic background</li></ul>  |
| Asian / Asian British                       | <ul style="list-style-type: none"><li>• Indian</li><li>• Pakistani</li><li>• Bangladeshi</li><li>• Chinese</li><li>• Any other Asian background</li></ul>                                       |
| Black / African / Caribbean / Black British | <ul style="list-style-type: none"><li>• African</li><li>• Caribbean</li><li>• Any other Black / African / Caribbean background</li></ul>  |
| Other ethnic group                          | <ul style="list-style-type: none"><li>• Arab</li><li>• Any other ethnic group</li><li>• Prefer not to say</li><li>• Not declared</li></ul>  |

### **Religion or belief**

Staff members are asked to classify themselves on the basis of the Census 2011 categories of religion or belief:

- No religion
- Buddhist
- Christian
- Hindu
- Jewish
- Muslim
- Sikh
- Any other religion
- Prefer not to say
- Not Declared

## **Gender**

This is recorded as male or female

## **Sexual orientation**

Staff members are given the options of:

- Heterosexual
- Gay woman/lesbian
- Gay man
- Bisexual
- Other
- Prefer not to say
- Not declared

## **Marital status**

Staff members are asked to classify themselves on the basis of the Census 2011 categories of marital status:

- Civil Partnership
- Divorced
- Married
- Partner
- Separated
- Single
- Prefer not say
- Not declared